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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. M:07-1827 SI
MDL No. 1827

This Document Relates To:

ALL CASES

**STIPULATION AND [PROPOSED]
ORDER REGARDING
PRESERVATION OF DOCUMENTS**

Date: None
Time: None
Courtroom: Hon. Susan Illston

1 WHEREAS, on July 3, 2007, the Court ordered: "Until the parties agree on a
2 preservation plan or the Court orders otherwise, each party shall take reasonable steps to
3 preserve all documents, data and tangible things containing information potentially relevant
4 to the subject matter of this litigation." Pretrial Order #1 and Agenda for July 10, 2007
5 Status Conference, ¶ 10;

6 WHEREAS, on September 25, 2007, the Court ordered that "the parties, through
7 their working groups, shall meet and confer to discuss the scope of preservation and
8 production of electronically stored information, ESI protocols for the search and production
9 of data, the format in which the electronic data will be produced, and any other issues
10 regarding the search, production, and format of electronic data." Pretrial Order No. 5: Case
11 Management, ¶ 9;

12 WHEREAS, the parties have met and conferred in an attempt to narrow the issues in
13 dispute concerning preservation and production of electronically stored information ("ESI")
14 and other documents, and

15 WHEREAS, except as expressly set forth herein, nothing in this Stipulation shall
16 add to or detract from the rights and obligations of a party under applicable law, including
17 the Federal Rules of Civil Procedure.

18 NOW, THEREFORE, THE UNDERSIGNED PARTIES, ACTING BY AND
19 THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE
20 AND AGREE that:

21 1. The Court's order of July 3, 2007 should be modified to provide that the
22 parties may resume ordinary document retention practices effective January 1, 2008.

23 2. Pending further order of the Court, the parties will continue to preserve all
24 ESI and other documents that they have preserved to date pursuant to the Court's orders
25 and their duty to preserve documents.

26 3. The parties will promptly exchange initial requests for production of
27 documents. The parties' obligations to respond to the initial requests for production or to
28

1 produce documents in response to such requests shall remain stayed pursuant to the Court's
2 stay order of September 25, 2007.

3 4. The parties will promptly meet and confer regarding their initial requests for
4 production of documents, preservation practices and electronic systems with a view to
5 identifying and resolving or narrowing any issues regarding preservation, search, and
6 production of documents in the litigation. These issues will include relevance issues and
7 the time period for which the parties will search for relevant documents. To the extent any
8 of these issues cannot be resolved informally, the issue may be presented to the Special
9 Master for resolution.

10 5. Except as expressly provided herein, no party waives any right by entering
11 into this stipulation.

12 Dated: February 22, 2008

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23 With the Reservation of all Rights and Defenses.


24 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the
25 filing of this document has been obtained from Bruce L. Simon; Richard M. Heimann;
26 Francis O. Scarpulla; Joseph M. Alioto; Albert J. Boro, Jr.; Christopher A. Nedeau; Steven
27 F. Cherry; Kevin C. McCann; Kent M. Roger; Garrard R. Beeney; Michael Mayer; Michael
28 R. Lazerwitz; George D. Niespolo; James L. McGinnis; Bruce H. Jackson; and Wayne
Cross.

23 **SPECIAL MASTER RECOMMENDATION**

24 The Parties, having previously brought to the Special Master for her review certain
25 issues concerning preservation of documents, and following that hearing before the Special
26 Master, have continued to meet and confer pursuant to the direction of the Special Master
27 and have arrived at the above Stipulation that addresses certain of those issues;
28


1 THEREFORE, the Special Master issues this recommendation to inform the Court
2 that the Special Master finds it is appropriate for the Court to enter the Proposed Order in
3 the form requested by the Parties.

4
5 Dated: Feb. 22, 2008


HON. FERN M. SMITH
SPECIAL MASTER

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10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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12 DATED: _____


HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE